



**MICHIGAN DEPARTMENT
OF
COMMUNITY HEALTH**

OFFICE OF RECIPIENT RIGHTS
John T. Sanford III, Director

Annual Report
FY 2003/2004

We must scrupulously guard the civil rights and civil liberties of all citizens whatever their background. We must remember that any oppression, any injustice, any hatred, is a wedge designed to attack our civilization.

Franklin D. Roosevelt

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Mission Statement

The Office of Recipient Rights was established in 1974 to protect the rights granted to recipients of Mental Health Services in the State of Michigan. It is our mandate to assure that providers of mental health services maintain a rights system consistent with the standards established by the Michigan Mental Health Code, P.A. 258 of 1974, as amended.

INTRODUCTION

The Department

The Michigan Mental Health Code, PA 258 of 1974, established the Michigan Department of Community Health Office of Recipient Rights (DCH-ORR), its functions and its responsibilities. The primary mandates of the office are to provide direct rights protection and advocacy services to individuals admitted to state psychiatric hospitals and centers for developmental disabilities and to assess and monitor the quality and effectiveness of the rights protection systems in community mental health service programs and licensed private psychiatric hospitals/units.

In order to fulfill the statutory mandates, DCH-ORR is organized into three distinct units: the Field Unit, the Training Unit and the Community Rights Unit (See Organizational Chart). This report will summarize the activity in each of these units for FY 2003/2004 as well as discuss any patterns and trends in rights protection in the state of Michigan identified for this period of time.

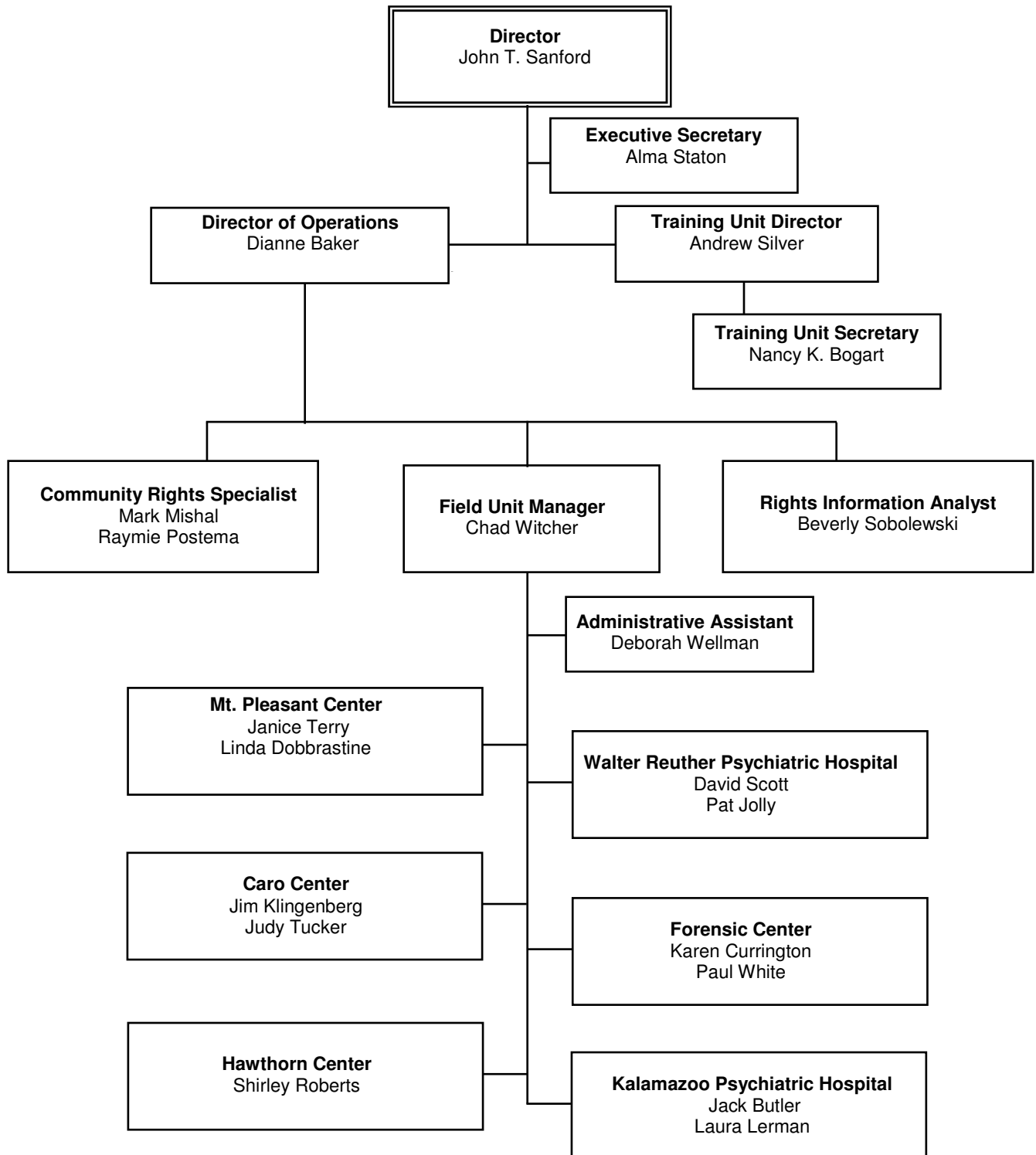
The Annual Report

This Annual Report reflects the requirements outlined in section 330.1756. "The state office of recipient rights shall submit to the director of the department and to the committees and subcommittees of the legislature with legislative oversight of mental health matters, for availability to the public, an annual report on the current status of recipient rights for the state. The report shall be submitted not later than March 31 of each year for the preceding fiscal year. The annual report shall include, at a minimum, all of the following:

- (i) Summary data by type or category regarding the rights of recipients receiving services from the department including the number of complaints received by state facility and other state-operated placement agency, the number of reports filed, and the number of reports investigated
- (ii) The number of substantiated rights violations in each state facility by category
- (iii) The remedial actions taken on substantiated rights violations in each state facility by category
- (iv) Training received by staff of the state office of recipient rights
- (v) Training provided by the state office of recipient rights to staff of contract providers
- (vi) Outcomes of assessments of the recipient rights system of each community mental health services program
- (vii) Identification of patterns and trends in rights protection in the public mental health system in this state
- (viii) Review of budgetary issues including staffing and financial resources.
- (ix) Summary of the results of any consumer satisfaction surveys conducted.
- (x) Recommendations to the department."

Michigan Department of Community Health

OFFICE OF RECIPIENT RIGHTS FY 03-04



PART I - FIELD UNIT

Background

During FY 2003/04 ORR had field offices providing rights protection services to each of the seven state hospitals and centers: Caro Center, Hawthorn Center, Mt. Pleasant Center, Kalamazoo Psychiatric Hospital, Walter Reuther Psychiatric Hospital, and the Center for Forensic Psychiatry. As of September 30, 2004, the Field Unit consisted of a Unit Manager, one Administrative Assistant, and eleven Rights Advisors.

Complaint Activity

The following terms are used throughout the remainder of this report:

Allegation An assertion of fact made by an individual that has not yet been proved or supported with evidence.

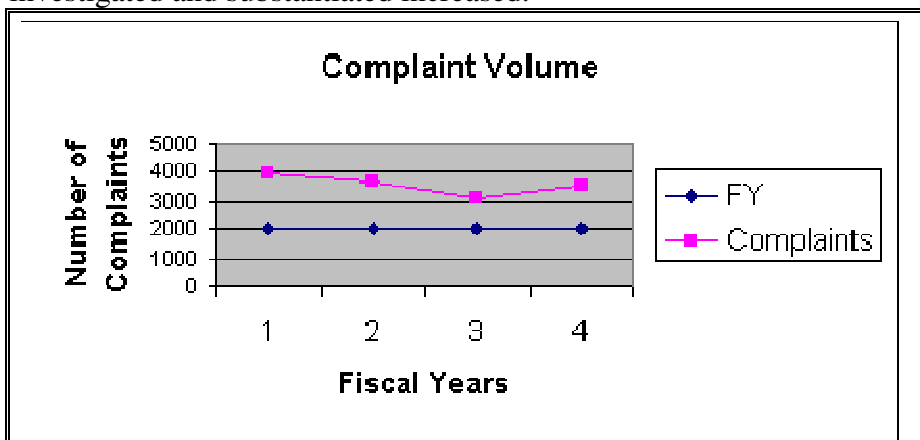
Investigation A detailed inquiry into and a systematic examination of an allegation raised in a rights complaint and reported in accordance with Chapter 7A (must be conducted on allegations of abuse, neglect, serious injury or death when reasonable suspicion exists that a rights violation may have occurred), and may be conducted on other allegations at the discretion of the rights officer/advisor.

Intervention To act on behalf of a recipient to resolve a complaint alleging a violation of a code protected right when the facts are clear and the remedy, if applicable, is clear, easily obtainable and does not involve statutorily required disciplinary action.

Substantiation A determination that a right was violated, utilizing a preponderance of evidence standard (evidence which is of greater weight or more convincing than the evidence offered in opposition to it) as proof.

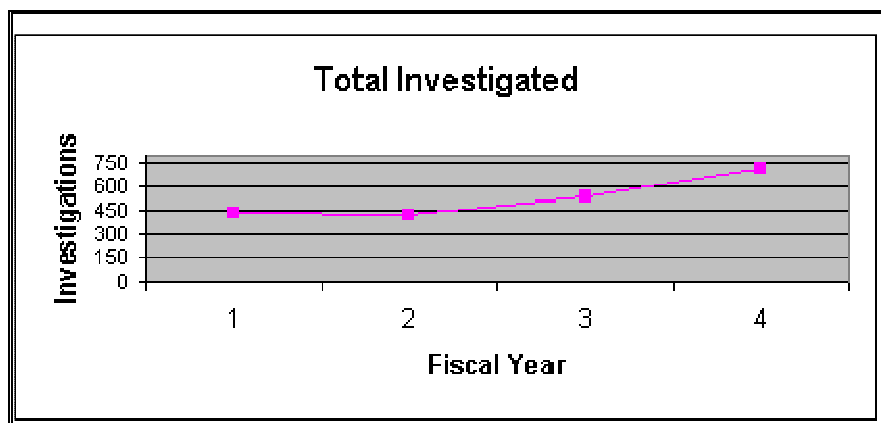
No Right Involved A complaint which has been reviewed but which does not meet criteria for investigation or intervention and does not involve an allegation or violation of a code protected right.

The following graphs depict a comparative analysis of complaint activity over 3 fiscal years. Note that despite a decrease in the overall number of complaints filed, the relative percentage of cases investigated and substantiated increased.



FY	Complaints
2001	3970
2002	3661
2003	3128
2004	3512

Complaint Activity



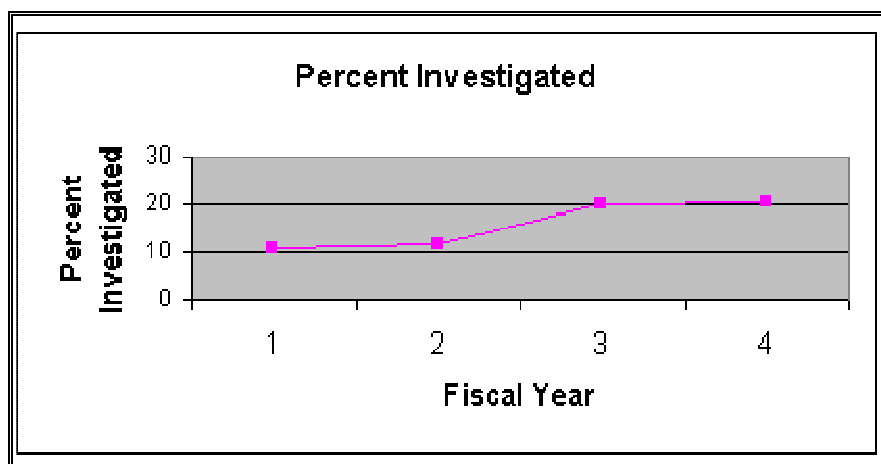
FY Investigated

2001 432

2002 420

2003 539

2004 718



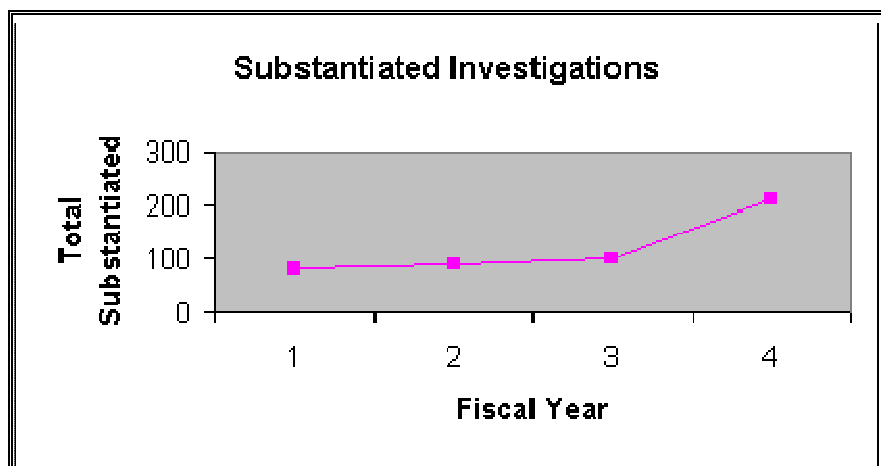
FY % investigated

2001 10.88

2002 11.47

2003 20.00

2004 20.44



FY Investigations
Substantiated

2001 81

2002 89

2003 99

2004 212

Complaint Activity

Complaints reported in state facilities were resolved through intervention in 80% of cases (2794) and through investigation in the remaining 20% of cases (718). Data analysis reveals an increase in use of the investigation process from 539 in FY 2002/2003 to 718 in FY 2003/2004. Following is the ORR aggregate complaint data for fiscal years FY 2003/2004.

All State Facilities

1. Freedom from Abuse

Code	Category	Received	Investigation	Intervention	Substantiated
7221	Abuse Class I	8	8		0
7222	Abuse Class II	249	249		34
7223	Abuse Class III	183	183		16
7224	Sexual Abuse	27	27		0

2. Freedom from Neglect

Code	Category	Received	Investigation	Intervention	Substantiated
7225	Neglect Class I	6	6		3
7226	Neglect Class II	15	15		6
7227	Neglect Class III	71	71		51

3. Rights Protection System

Code	Category	Received	Investigation	Intervention	Substantiated
7760	Access to Rights System	7	0	7	0
7545	Retaliation/Harassment	3	3	0	0
7060	Notice/Explanation of Rights	3	0	3	0
7780	Complaint Investigation Process	4	1	3	1
7840	Appeal Process	2	0	2	0
7880	Mediation	0			
7520	Failure to Report	1	0	1	1
0772	Other (Describe)	1	0	1	0

4. Admission/Discharge/Second Opinion

Code	Category	Received	Investigation	Intervention	Substantiated
7050	Second Opinion - Denial of Services	0			
4090	Second Opinion - Denial of Hospitalization	0			
4980	Objection to Hospitalization (minor)	7	0	7	0
4190	Termination of Voluntary Hospitalization (adult)	0			
4630	Independent Clinical Examination	2	0	2	0
4510	Court Hearing/Process	56	1	55	0
0400	Other: (Describe)	38	0	38	0

5. Civil Rights

Code	Category	Received	Investigation	Intervention	Substantiated
7040	Dignity & Respect	221	49	172	18
7041	Discrimination	8	2	6	0
7042	Accommodation	0			
7043	Privacy/Search	14	0	14	0
7044	Religious Practice	11	0	11	1
7045	Voting	1	0	1	0
7046	Sexual Expression	1	0	1	0
7047	Presumption of Competency	1	0	1	0
7048	Marriage/Divorce	0			
0704	Other (Describe)	6	0	6	0

6. Family Rights

Code	Category	Received	Investigation	Intervention	Substantiated
7111	Dignity & Respect	6	1	5	1
7112	Receipt of General Education Information	0			
7113	Opportunity to provide information	0			

7. Communication & Visits

Code	Category	Received	Investigation	Intervention	Substantiated
7261	Visitation	20	5	15	2
7262	Contact with Attorneys or others regarding legal matters	4	0	4	0
7263	Access to telephone	51	0	51	5
7264	Funds for postage, stationery, telephone usage	6	0	6	0
7265	Written and posted limitations, if established	2	0	2	0
7266	Uncensored Mail	11	0	11	2
7267	Access to entertainment materials, information, news	31	1	30	1
0726	Other: (Describe)	11	1	10	1

8. Confidentiality/Privileged Communications/Disclosure

Code	Category	Received	Investigation	Intervention	Substantiated
7481	Access to Records	18	1	17	2
7482	Copies of Records	7	0	7	0
7483	Identification	3	0	3	0
7484	Authorization to Release	1	0	1	0
7485	Withholding of Information	2	2	0	2
7486	Correction of Record	18	0	18	0
7487	Access by P & A to records	0			
7501	Privileged Communication	2	0	2	0
0748	Other: (Describe)	7	0	7	0

9. Treatment Environment

Code	Category	Received	Investigation	Intervention	Substantiated
7081	Safety	321	39	282	30
7082	Sanitary	83	1	82	13
7083	Humane	295	1	294	16
7084	Accessible	6	0	6	0
7085	Nutrition	113	1	112	6
7086	Least Restrictive Setting	15	1	14	0
0708	Other: (Describe)	36	0	36	6

10. Freedom of Movement

Code	Category	Received	Investigation	Intervention	Substantiated
7400	Restraint	7	1	6	1
7420	Seclusion	0			
7441	Building and grounds Access	141	5	136	5
7442	Limitations	81	3	78	9
0744	Other: (describe)	22	0	22	0

11. Financial Rights

Code	Category	Received	Investigation	Intervention	Substantiated
7301	Safeguarding Money	17	3	14	2
7302	Facility Account	25	0	25	0
7303	Easy Access to Money in Account	11	0	11	0
7304	Ability to Spend or Use as Desired	11	0	11	0
7305	Delivery of Money upon Release	2	0	2	0
7360	Labor & Compensation	10	0	10	0
0730	Other: (Describe)	27	0	27	1

12. Personal Property

Code	Category	Received	Investigation	Intervention	Substantiated
7281	Possession and Use	109	0	109	8
7282	Storage Space	3	0	3	0
7283	Inspection at Reasonable Times	0			
7284	Search/Seizure	3	0	3	0
7285	Exclusions	2	0	2	0
7286	Limitations	1	0	1	0
7287	Receipts to Recipient etc	2	0	2	0
7288	Waiver	0			
7289	Protection	89	4	85	13
0728	Other: (Describe)	50	0	50	3

13. Suitable Services

	Category	Received	Investigation	Intervention	Substantiated
7080	Treatment suited to condition	608	25	583	19
7049	Treatment by spiritual means	2	0	2	0
7100	Physical and mental exams	5	0	5	0
7130	Choice of physician/MH professional	14	0	14	1
7140	Notice of clinical status/progress	5	0	5	0
7150	Services of MH professional	1	0	1	0
7003	Informed Consent	3	0	3	1
7170	Electro Convulsive Therapy (ECT)	0			
7160	Surgery	0			
7158	Medication	123	4	119	1
7190	Notice of medication side effects	9	0	9	0
7180	Psychotropic Drugs	13	1	12	0
7029	Information on Family Planning	0			
0700	Other	22	0	22	0

14. Treatment Planning

Code	Category	Received	Investigation	Intervention	Substantiated
7121	Person-Centered Process	4	1	3	1
7122	Timely development	4	0	4	0
7123	Requests for Review	2	0	2	0
7124	Participation by Individual of choice	2	0	2	0
7125	Assessment of Needs	6	0	6	0
0712	Other: requested info.	5	0	5	1

15. Photographs, Fingerprints, Audiotapes, One-way Glass

Code	Category	Received	Investigation	Intervention	Substantiated
7241	Prior Consent	0			
7242	Identification	0			
7243	Objection	0			
7244	Release to others/return	0			
7245	Storage/Destruction	0			
7246	Treatment	0			

16. Forensic Issues

Code	Category	Received	Investigation	Intervention	Substantiated
2020	(I.S.T.)	10	1	9	0
2050	(N.G.R.I.)	46	1	45	0
sub total		3512	718	2794	284

0000 No Right Involved	350	0001 Outside Jurisdiction	80
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The Mental Health Code requires in 330.1780 (1): “If it has been determined through investigation that a right has been violated, the respondent shall take appropriate remedial action that meets all of the following requirements: (a) Corrects or provides a remedy for the rights violations. (b) Is implemented in a timely manner. (c) Attempts to prevent a recurrence of the rights violation.” It is the responsibility of the ORR to maintain a record of the documented action. Community Mental Health Service Providers (CMHSPs) and Licensed Psychiatric Hospitals/Units (LPH/Us) also maintain records of remedial action.

Remedial Action Key			
Remedial Action corrects or provides a remedy for the rights violations, is implemented in a timely manner and attempts to prevent a recurrence of the rights violation.			
Verbal Counseling	01	Employment Termination	08
Written Counseling	02	Contract Action	09
Written Reprimand	03	Policy Revision/Development	10
Suspension	04	Environmental Repair/Enhancement	11
Demotion	05	Plan of Service Revision	12
Staff Transfer	06	Recipient Transfer to Another Provider/Site	13
Training	07	Other	14

Remediation of Substantiated Rights Violations (includes complaints investigated and those addressed through other interventions) Attach Additional sheets as necessary.

CATEGORY	Specific Allegation	Specific Provider	Type	Specific Remedial Action	Type
7222	Abuse Class II	Center for Forensic Psychiatry	04	Suspension	04
7222	Abuse Class II	Hawthorn Center	04	Suspension	04
7222	Abuse Class II	Hawthorn Center	04	Suspension	04
7222	Abuse Class II	Hawthorn Center	04	Employment Termination	08
7222	Abuse Class II	Hawthorn Center	04	Employee self-terminated	08A
7222	Abuse Class II	Kalamazoo Psychiatric Hospital	04	Suspension	04
7222	Abuse Class II	Kalamazoo Psychiatric Hospital	04	Training	07
7222	Abuse Class II	Kalamazoo Psychiatric Hospital	04	Employment Termination	08
7222	Abuse Class II	Kalamazoo Psychiatric Hospital	04	Pending	Pending
7222	Abuse Class II	Kalamazoo Psychiatric Hospital	04	Pending	Pending
7222	Abuse Class II	Kalamazoo Psychiatric Hospital	04	Pending	Pending
7222	Abuse Class II	Kalamazoo Psychiatric Hospital	04	Pending	Pending
7222	Abuse Class II	Kalamazoo Psychiatric Hospital	04	Pending	Pending
7222	Abuse Class II	Kalamazoo Psychiatric Hospital	04	Pending	Pending
7222	Abuse Class II	Mt Pleasant Center	04	Written Reprimand	03
7222	Abuse Class II	Mt Pleasant Center	04	Suspension	04
7222	Abuse Class II	Mt Pleasant Center	04	Suspension	04
7222	Abuse Class II	Mt Pleasant Center	04	Suspension	04

CATEGORY	Specific Allegation	Specific Provider	Type	Specific Remedial Action	Type
7222	Abuse Class II	Mt Pleasant Center	04	Suspension	04
7222	Abuse Class II	Mt Pleasant Center	04	Suspension	04
7222	Abuse Class II	Mt Pleasant Center	04	Suspension	04
7222	Abuse Class II	Mt Pleasant Center	04	Employment Termination	08
7222	Abuse Class II	Mt Pleasant Center	04	Employment Termination	08
7222	Abuse Class II	Mt Pleasant Center	04	Employment Termination	08
7222	Abuse Class II	Mt Pleasant Center	04	Employment Termination	08
7222	Abuse Class II	Mt Pleasant Center	04	Employment Termination	08
7222	Abuse Class II	Mt Pleasant Center	04	Employment Termination	08
7222	Abuse Class II	Mt Pleasant Center	04	Employment Termination	08
7222	Abuse Class II	Mt Pleasant Center	04	Employment Termination	08
7222	Abuse Class II	Mt Pleasant Center	04	Employment Termination	08
7222	Abuse Class II	Mt Pleasant Center	04	Pending	Pending
7222	Abuse Class II	Walter Reuther Hospital	04	Written Reprimand	03
7222	Abuse Class II	Walter Reuther Hospital	04	Suspension	04
7223	Abuse Class III	Center for Forensic Psychiatry	04	Written Reprimand	03
7223	Abuse Class III	Hawthorn Center	04	Employment Termination	08
7223	Abuse Class III	Kalamazoo Psychiatric Hospital	04	Written Reprimand	03
7223	Abuse Class III	Kalamazoo Psychiatric Hospital	04	Written Reprimand	03
7223	Abuse Class III	Kalamazoo Psychiatric Hospital	04	Suspension	04
7223	Abuse Class III	Kalamazoo Psychiatric Hospital	04	Employment Termination	08
7223	Abuse Class III	Kalamazoo Psychiatric Hospital	04	Other	14
7223	Abuse Class III	Kalamazoo Psychiatric Hospital	04	Pending	Pending
7223	Abuse Class III	Kalamazoo Psychiatric Hospital	04	Pending	Pending
7223	Abuse Class III	Mt Pleasant Center	04	Written Reprimand	03
7223	Abuse Class III	Mt Pleasant Center	04	Suspension	04
7223	Abuse Class III	Mt Pleasant Center	04	Suspension	04
7223	Abuse Class III	Mt Pleasant Center	04	Employment Termination	08
7223	Abuse Class III	Mt Pleasant Center	04	Employment Termination	08
7223	Abuse Class III	Caro Center	04	Written Reprimand	03
7223	Abuse Class III	Caro Center	04	Employment Termination	08
7225	Neglect Class I	Hawthorn Center	04	Employee self-terminated	08A
7225	Neglect Class I	Caro Center	04	Employment Termination	08
7225	Neglect Class I	Caro Center	04	Employment Termination	08

CATEGORY	Specific Allegation	Specific Provider	Type	Specific Remedial Action	Type
7226	Neglect Class II	Hawthorn Center	04	Suspension	04
7226	Neglect Class II	Hawthorn Center	04	Employment Termination	08
7226	Neglect Class II	Mt Pleasant Center	04	Written Reprimand	03
7226	Neglect Class II	Mt Pleasant Center	04	Employment Termination	08
7226	Neglect Class II	Walter Reuther Hospital	04	Suspension	04
7226	Neglect Class II	Walter Reuther Hospital	04	Suspension	04
7227	Neglect Class III	Center for Forensic Psychiatry	04	Written Reprimand	03
7227	Neglect Class III	Center for Forensic Psychiatry	04	Written Reprimand	03
7227	Neglect Class III	Center for Forensic Psychiatry	04	Written Reprimand	03
7227	Neglect Class III	Center for Forensic Psychiatry	04	Written Reprimand	03
7227	Neglect Class III	Center for Forensic Psychiatry	04	Written Reprimand	03
7227	Neglect Class III	Center for Forensic Psychiatry	04	Written Reprimand	03
7227	Neglect Class III	Center for Forensic Psychiatry	04	Written Reprimand	03
7227	Neglect Class III	Center for Forensic Psychiatry	04	Suspension	04
7227	Neglect Class III	Center for Forensic Psychiatry	04	Suspension	04
7227	Neglect Class III	Center for Forensic Psychiatry	04	Pending	Pending
7227	Neglect Class III	Hawthorn Center	04	Written Reprimand	03
7227	Neglect Class III	Hawthorn Center	04	Written Reprimand	03
7227	Neglect Class III	Hawthorn Center	04	Employment Termination	08
7227	Neglect Class III	Kalamazoo Psychiatric Hospital	04	Environmental Repair/Enhancement	11
7227	Neglect Class III	Mt Pleasant Center	04	Written Counseling	02
7227	Neglect Class III	Mt Pleasant Center	04	Written Counseling	02
7227	Neglect Class III	Mt Pleasant Center	04	Written Reprimand	03
7227	Neglect Class III	Mt Pleasant Center	04	Written Reprimand	03
7227	Neglect Class III	Mt Pleasant Center	04	Written Reprimand	03
7227	Neglect Class III	Mt Pleasant Center	04	Written Reprimand	03
7227	Neglect Class III	Mt Pleasant Center	04	Written Reprimand	03
7227	Neglect Class III	Mt Pleasant Center	04	Written Reprimand	03
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04

CATEGORY	Specific Allegation	Specific Provider	Type	Specific Remedial Action	Type
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04
7227	Neglect Class III	Mt Pleasant Center	04	Suspension	04
7227	Neglect Class III	Mt Pleasant Center	04	Employment Termination	08
7227	Neglect Class III	Mt Pleasant Center	04	Employment Termination	08
7227	Neglect Class III	Mt Pleasant Center	04	Employment Termination	08
7227	Neglect Class III	Mt Pleasant Center	04	Employment Termination	08
7227	Neglect Class III	Mt Pleasant Center	04	Plan of Service Revision	12
7227	Neglect Class III	Caro Center	04	Written Reprimand	03
7227	Neglect Class III	Caro Center	04	Written Reprimand	03
7227	Neglect Class III	Caro Center	04	Written Reprimand	03
7227	Neglect Class III	Walter Reuther Hospital	04	Written Counseling	02
7227	Neglect Class III	Walter Reuther Hospital	04	Written Reprimand	03
7227	Neglect Class III	Walter Reuther Hospital	04	Written Reprimand	03
7227	Neglect Class III	Walter Reuther Hospital	04	Written Reprimand	03
7227	Neglect Class III	Walter Reuther Hospital	04	Written Reprimand	03
7227	Neglect Class III	Walter Reuther Hospital	04	Written Reprimand	03
7227	Neglect Class III	Walter Reuther Hospital	04	Suspension	04
7227	Neglect Class III	Walter Reuther Hospital	04	Suspension	04
7227	Neglect Class III	Walter Reuther Hospital	04	Suspension	04
7780	Complaint Investigation Process	Mt Pleasant Center	04	Employment Termination	08
7520	Failure to Report	Mt Pleasant Center	04	Suspension	04
7040	Dignity/Respect	Center for Forensic Psychiatry	04	Verbal Counseling	01
7040	Dignity/Respect	Mt Pleasant Center	04	Written Counseling	02
7040	Dignity/Respect	Walter Reuther Hospital	04	Written Counseling	02
7040	Dignity/Respect	Caro Center	04	Written Reprimand	03
7040	Dignity/Respect	Caro Center	04	Written Reprimand	03
7040	Dignity/Respect	Caro Center	04	Written Reprimand	03
7040	Dignity/Respect	Caro Center	04	Written Reprimand	03
7040	Dignity/Respect	Caro Center	04	Written Reprimand	03
7040	Dignity/Respect	Center for Forensic Psychiatry	04	Written Reprimand	03

CATEGORY	Specific Allegation	Specific Provider	Type	Specific Remedial Action	Type
7040	Dignity/Respect	Walter Reuther Hospital	04	Written Reprimand	03
7040	Dignity/Respect	Walter Reuther Hospital	04	Written Reprimand	03
7040	Dignity/Respect	Center for Forensic Psychiatry	04	Suspension	04
7040	Dignity/Respect	Caro Center	04	Training	07
7040	Dignity/Respect	Kalamazoo Psychiatric Hospital	04	Training	07
7040	Dignity/Respect	Mt Pleasant Center	04	Employment Termination	08
7040	Dignity/Respect	Kalamazoo Psychiatric Hospital	04	Other	14
7040	Dignity/Respect	Kalamazoo Psychiatric Hospital	04	Other	14
7040	Dignity/Respect	Caro Center	04	Pending	Pending
7044	Religious Practice	Mt Pleasant Center	04	Pending	Pending
7111	Family Dignity and Respect	Hawthorn Center	04	Written Reprimand	03
7261	Visitation	Center for Forensic Psychiatry	04	Written Reprimand	03
7261	Visitation	Center for Forensic Psychiatry	04	Written Reprimand	03
7263	Access to telephone	Caro Center	04	Training	07
7263	Access to telephone	Caro Center	04	Environmental Repair/Enhancement	11
7263	Access to telephone	Caro Center	04	Environmental Repair/Enhancement	11
7263	Access to telephone	Caro Center	04	Plan of Service Revision	12
7263	Access to telephone	Caro Center	04	Plan of Service Revision	12
7266	Uncensored mail	Caro Center	04	Verbal Counseling	01
7266	Uncensored mail	Caro Center	04	Verbal Counseling	01
7267	Access to enter., materials, infor., news	Walter Reuther Hospital	04	Other	14
0726	Communication/Visits-Other	Hawthorn Center	04	Policy Revision/Development	10
7481	Disclosure of Confidential Information	Kalamazoo Psychiatric Hospital	04	Other	14
7481	Disclosure of Confidential Information	Mt Pleasant Center	04	Other	14
7485	Withholding of Information	Mt Pleasant Center	04	Training	07
7485	Withholding of Information	Mt Pleasant Center	04	Pending	Pending
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Suspension	04
7081	Safety-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Training	07
7081	Safety-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Plan of Service Revision	12
7081	Safety-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Plan of Service Revision	12
7081	Safety-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Plan of Service Revision	12

CATEGORY	Specific Allegation	Specific Provider	Type	Specific Remedial Action	Type
7081	Safety-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Recipient Transfer to Another Provider/Site	13
7081	Safety-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Recipient Transfer to Another Provider/Site	13
7081	Safety-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Other	14
7081	Safety-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Other	14
7081	Safety-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Other	14
7081	Safety-Treatment Environment	Mt Pleasant Center	04	Training	07
7081	Safety-Treatment Environment	Caro Center	04	Written Reprimand	03
7081	Safety-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7081	Safety-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7081	Safety-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7081	Safety-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7081	Safety-Treatment Environment	Caro Center	04	Other	14
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Verbal Counseling	01
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Training	07
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Policy Revision/Development	10
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Policy Revision/Development	10
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Environmental Repair/Enhancement	11
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Environmental Repair/Enhancement	11
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Plan of Service Revision	12
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Other	14
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Other	14
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Other	14
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Other	14
7081	Safety-Treatment Environment	Walter Reuther Hospital	04	Other	14
7082	Sanitary-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Pending	Pending

CATEGORY	Specific Allegation	Specific Provider	Type	Specific Remedial Action	Type
7082	Sanitary-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7082	Sanitary-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7082	Sanitary-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7082	Sanitary-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7082	Sanitary-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7082	Sanitary-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7082	Sanitary-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7082	Sanitary-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7082	Sanitary-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7082	Sanitary-Treatment Environment	Caro Center	04	Pending	Pending
7082	Sanitary-Treatment Environment	Walter Reuther Hospital	04	Environmental Repair/Enhancement	11
7082	Sanitary-Treatment Environment	Walter Reuther Hospital	04	Other	14
7083	Humane-Treatment Environment	Kalamazoo Psychiatric Hospital	04	Environmental Repair/Enhancement	11
7083	Humane-Treatment Environment	Caro Center	04	Training	07
7083	Humane-Treatment Environment	Caro Center	04	Policy Revision/Development	10
7083	Humane-Treatment Environment	Caro Center	04	Policy Revision/Development	10
7083	Humane-Treatment Environment	Caro Center	04	Policy Revision/Development	10
7083	Humane-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7083	Humane-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7083	Humane-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7083	Humane-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7083	Humane-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7083	Humane-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7083	Humane-Treatment Environment	Caro Center	04	Environmental Repair/Enhancement	11
7083	Humane-Treatment Environment	Caro Center	04	Other	14

CATEGORY	Specific Allegation	Specific Provider	Type	Specific Remedial Action	Type
7083	Humane-Treatment Environment	Caro Center	04	Other	14
7083	Humane-Treatment Environment	Caro Center	04	Pending	Pending
7085	Nutrition	Caro Center	04	Verbal Counseling	01
7085	Nutrition	Caro Center	04	Verbal Counseling	01
7085	Nutrition	Caro Center	04	Verbal Counseling	01
7085	Nutrition	Caro Center	04	Training	07
7085	Nutrition	Walter Reuther Hospital	04	Other	14
7085	Nutrition	Walter Reuther Hospital	04	Other	14
0708	Treatment Environment-Other	Kalamazoo Psychiatric Hospital	04	Environmental Repair/Enhancement	11
0708	Treatment Environment-Other	Caro Center	04	Verbal Counseling	01
0708	Treatment Environment-Other	Walter Reuther Hospital	04	Environmental Repair/Enhancement	11
0708	Treatment Environment-Other	Walter Reuther Hospital	04	Other	14
0708	Treatment Environment-Other	Walter Reuther Hospital	04	Other	14
0708	Treatment Environment-Other	Walter Reuther Hospital	04	Other	14
7400	Restraint	Mt Pleasant Center	04	Employment Termination	08
7441	Building /Ground Access	Center for Forensic Psychiatry	04	Verbal Counseling	01
7441	Building /Ground Access	Center for Forensic Psychiatry	04	Policy Revision/Development	10
7441	Building /Ground Access	Kalamazoo Psychiatric Hospital	04	Other	14
7441	Building /Ground Access	Kalamazoo Psychiatric Hospital	04	Other	14
7441	Building /Ground Access	Caro Center	04	Pending	Pending
7442	Limitations	Walter Reuther Hospital	04	Training	07
7442	Limitations	Center for Forensic Psychiatry	04	Policy Revision/Development	10
7442	Limitations	Caro Center	04	Plan of Service Revision	12
7442	Limitations	Caro Center	04	Plan of Service Revision	12
7442	Limitations	Caro Center	04	Plan of Service Revision	12
7442	Limitations	Caro Center	04	Plan of Service Revision	12
7442	Limitations	Caro Center	04	Plan of Service Revision	12
7442	Limitations	Kalamazoo Psychiatric Hospital	04	Other	14
7442	Limitations	Kalamazoo Psychiatric Hospital	04	Other	14
7301	Safeguarding Money	Center for Forensic Psychiatry	04	Other	14
7301	Safeguarding Money	Walter Reuther Hospital	04	Other	14
0730	Financial Rights-Other	Caro Center	04	Other	14

CATEGORY	Specific Allegation	Specific Provider	Type	Specific Remedial Action	Type
7281	Possession/Use	Caro Center	04	Verbal Counseling	01
7281	Possession/Use	Mt Pleasant Center	04	Training	07
7281	Possession/Use	Caro Center	04	Policy Revision/Development	10
7281	Possession/Use	Walter Reuther Hospital	04	Plan of Service Revision	12
7281	Possession/Use	Caro Center	04	Other	14
7281	Possession/Use	Kalamazoo Psychiatric Hospital	04	Other	14
7281	Possession/Use	Walter Reuther Hospital	04	Other	14
7281	Possession/Use	Walter Reuther Hospital	04	Plan of Service Revision	12
7289	Protection	Hawthorn Center	04	Verbal Counseling	01
7289	Protection	Walter Reuther Hospital	04	Training	07
7289	Protection	Walter Reuther Hospital	04	Training	07
7289	Protection	Caro Center	04	Other	14
7289	Protection	Caro Center	04	Other	14
7289	Protection	Hawthorn Center	04	Other	14
7289	Protection	Hawthorn Center	04	Other	14
7289	Protection	Hawthorn Center	04	Other	14
7289	Protection	Hawthorn Center	04	Other	14
7289	Protection	Kalamazoo Psychiatric Hospital	04	Other	14
7289	Protection	Kalamazoo Psychiatric Hospital	04	Pending	Pending
7289	Protection	Kalamazoo Psychiatric Hospital	04	Pending	Pending
7289	Protection	Kalamazoo Psychiatric Hospital	04	Pending	Pending
0728	Personal Property-Other	Caro Center	04	Policy Revision/Development	10
0728	Personal Property-Other	Hawthorn Center	04	Other	14
0728	Personal Property-Other	Walter Reuther Hospital	04	Other	14
7080	Services suited to Condition	Caro Center	04	Verbal Counseling	01
7080	Services suited to Condition	Mt Pleasant Center	04	Verbal Counseling	01
7080	Services suited to Condition	Mt Pleasant Center	04	Written Counseling	02
7080	Services suited to Condition	Mt Pleasant Center	04	Written Reprimand	03
7080	Services suited to Condition	Mt Pleasant Center	04	Written Reprimand	03
7080	Services suited to Condition	Mt Pleasant Center	04	Suspension	04
7080	Services suited to Condition	Center for Forensic Psychiatry	04	Policy Revision/Development	10
7080	Services suited to Condition	Center for Forensic Psychiatry	04	Policy Revision/Development	10
7080	Services suited to Condition	Center for Forensic Psychiatry	04	Policy Revision/Development	10
7080	Services suited to Condition	Caro Center	04	Plan of Service Revision	12

CATEGORY	Specific Allegation	Specific Provider	Type	Specific Remedial Action	Type
7080	Services suited to Condition	Caro Center	04	Plan of Service Revision	12
7080	Services suited to Condition	Center for Forensic Psychiatry	04	Plan of Service Revision	12
7080	Services suited to Condition	Caro Center	04	Other	14
7080	Services suited to Condition	Kalamazoo Psychiatric Hospital	04	Other	14
7080	Services suited to Condition	Kalamazoo Psychiatric Hospital	04	Other	14
7080	Services suited to Condition	Kalamazoo Psychiatric Hospital	04	Other	14
7080	Services suited to Condition	Kalamazoo Psychiatric Hospital	04	Other	14
7080	Services suited to Condition	Center for Forensic Psychiatry	04	Pending	Pending
7080	Services suited to Condition	Mt Pleasant Center	04	Pending	Pending
7130	Choice of MH Professional	Kalamazoo Psychiatric Hospital	04	Other	14
7003	Informed Consent	Caro Center	04	Training	07
7158	Medication	Hawthorn Center	04	Training	07
7121	Person-centered Process	Center for Forensic Psychiatry	04	Training	07
0712	Treatment Planning - Other	Hawthorn Center	04	Other	14

DCH Appeals Committee

Background

The Michigan Mental Health Code at Section 774 states, “The director shall appoint an appeals committee consisting of 7 individuals, none of whom shall be employed by the department or a community mental health services program, to hear appeals of recipient rights matters. The committee shall include at least 3 members of the state recipient rights advisory committee and 2 primary consumers.”

The DCH Appeals Committee reviews appeals of rights complaints filed by or on behalf of patients/residents of state hospitals/centers. Additionally, it reviews appeals submitted by or on behalf of individuals who are or have been patients in licensed private psychiatric hospitals/units (LPH/U) who have entered into an agreement to use the department’s appeals committee in lieu of appointing its own.

Following is a data summary of activity for the DCH Appeals Committee for FY 2003/2004:

Total By Number of Cases Reviewed	17
<u>Appeals Committee 5 Day Review Decisions:</u>	
Cases received that were not heard	10
Appeals filed > 45 day-time frame	1
Cases stating no ground for appeal	7
Cases referred back to local CMHSP	2
<u>Appeals Committee Decision on Appeal</u>	
Upheld findings of rights office and action taken	2
Returned to ORR for re-investigation	5
Returned to facility for different or additional action	0
Total Number of Appeals from State Hospitals/Centers	5
Caro Center	2
Hawthorn Center	0
Walter Reuther	1
Mt. Pleasant Center	0
Kalamazoo Psychiatric Hospital	0
Forensic Center	2
Total Number of Appeals from LPH/Us	12
Botsford General Hospital	1
Oakwood Heritage Hospital	1
St John Detroit Riverview	1
Chelsea Community Hospital	1
*CMH for Central Michigan	1
Herrick Hospital	1
Holland Hospital	1
Owosso Memorial Hospital	1
*Northern Lakes CMH	1
Pathways	1
Pine Rest	1
Pines Behavioral Health	1
Sinai Grace Hospital	1
Sparrow-St Lawrence Hospital	1
St. John Macomb Hospital	1

PART II – TRAINING UNIT

Overview/Mission

The mission of the Training Unit of the Office of Recipient Rights is to develop and conduct instructional programs that assist in assuring the rights of recipients in public mental health programs will be applied in a consistent manner across the state. In order to complete this mission, the Unit provides workshops to rights staff from licensed hospital psychiatric units, community mental health service providers and their contract agencies. These classes focus on providing rights staff the skills necessary to carry out the duties of their office.

The Training Unit offers educational programs for other persons involved in the recipient rights arena (Recipient Rights Advisory Committee and Recipient Rights Appeals Committee members, staff from other state agencies and advocacy programs, staff of service providers) whose roles, although ancillary to the rights system, are essential to preserving and promoting the rights of recipients.

The Training Unit has the overall responsibility for planning, coordinating and implementing the Recipient Rights Conference. This annual event brings together staff and recipients from across the state to discuss current issues related to recipient rights and to provide information that will enhance job performance of rights staff.

Another function of this unit is to coordinate educational activities carried out by ORR staff located in hospitals and centers operated by the Department of Community Health. These trainings carry out the mandate that all staff hired by the Department receive training on recipient rights within the first 30 days of hire, and accomplish the requirement that hospital and center staff are provided annual in-service training in the area of recipient rights. In addition, these staff have continued their focus on providing rights education to consumers who receive services in DCH operated facilities and their family members; the Training Unit provides oversight and assists in curriculum development.

Educational Offerings

In order to meet the mandate of providing educational programs to assure consistency of rights protection, several training opportunities were offered in FY 2003/2004. *Basic Skills*, a three-part program, provides training and skill development required to carry out the responsibilities mandated by Chapters 7 and 7A of the Mental Health Code.

Part 1, “*Putting the Pieces Together*,” focuses on the role of the rights office, its interaction with other segments of the agency and consumers, and the mandates of the recipient rights advisor position. Part 2, “*The Art of Investigation*,” concentrates on the skills necessary to conduct a thorough and effective investigation. The last phase of the curriculum, “*Developing Effective Rights Training*,” is a two-day session designed to develop the skills necessary to train agency and provider staff on effective methods for training their staff on recipient rights issues. It includes both the principles of providing effective training programs and a review of required training content.

Recipient Rights Advisory Committee training provides the information necessary for committee members to function effectively and carry out their mandated role as advocates for the ORR office and staff.

Appeals Committee training takes participants through the appeals process and provides the tools necessary to conduct a fair and impartial appellate review.

Following is a summary of the sessions offered during FY 2003/2004:

<u>Title of Course</u>	Date Conducted	Attendees
Basic Skills Training	November, 2003	28
Basic Skills Training	January, 2004	19
Basic Skills Training	March, 2004	17
Basic Skills Training	April, 2004 (DWCCMH)	18
Basic Skills Training	May, 2004	11
Basic Skills Training	July, 2004	21
Total		114
Art of Investigation	November, 2003	22
Art of Investigation	January, 2004	14
Art of Investigation	March, 2004	19
Art of Investigation	May, 2004	11
Art of Investigation	June, 2004 (DWCCMH)	10
Art of Investigation	July, 2004	19
Total		95
Developing Effective Rights Training	October, 2003	15
Developing Effective Rights Training	December, 2003	16
Developing Effective Rights Training	February, 2004	14
Developing Effective Rights Training	April, 2004	12
Developing Effective Rights Training	June, 2004	13
Developing Effective Rights Training	August, 2004	13
Total		83
Developing Issues	February, 2004	13
Developing Issues	March, 2004	9
Developing Issues	March, 2004	12
Developing Issues	April, 2004	19
Developing Issues	May, 2004	8
Developing Issues	July, 2004	8
Developing Issues	July, 2004	16
Developing Issues	September, 2004	11
Total		96
Grievance & Appeals Training	December, 2003	32
RRAC/Appeals Committee Training	January, 2004	18

RRAC/Appeals Committee Training	June, 2004 (Lifeways)	18
RRAC/Appeals Committee Training	June, 2004 (Pathways)	10
Total		78
Recipient Rights Protection/System Overview	March 2004 (DWCCMH)	8
Central Office Training	October 2, 2003	6
Central Office Training	October 16, 2003	17
Central Office Training	November 12, 2003	3
Central Office Training	December 1, 2003	3
Central Office Training	December 10, 2003	4
Total		33
Time Management Training	January, 2004	44
Grand Total		551

Following each training session the training Unit collects evaluations of the training programs. The following tables are compilations of the evaluation data for FY 2003-2004. Evaluations were based on a scale of 1 to 5, with 5 being “excellent,” and 1 being “poor.”

Basic Skills Training Part I: Putting the Pieces Together

The information presented	4.73
The organization of the material	4.71
The audio-visual materials and handouts	4.75
The trainer(s) knowledge of the subject matter	4.89
Responses to questions asked	4.79
Presentation as a whole	4.74

Basic Skills Training Part II: The Art of Investigation

The information presented	4.80
The organization of the material	4.88
The audio-visual materials and handouts	4.80
The trainer(s) knowledge of the subject matter	4.97
Responses to questions asked	4.90
Presentation as a whole	4.84

Basic Skills Training Part III: Developing Effective Rights Training

The information presented	4.74
The organization of the material	4.74
The audio-visual materials and handouts	4.79
The trainer(s) knowledge of the subject matter	4.90
Responses to questions asked	4.86
Presentation as a whole	4.75

Developing Issues Training

The information presented	4.75
The organization of the material	4.69
The audio-visual materials and handouts	4.58
The trainer(s) knowledge of the subject matter	4.83
Responses to questions asked	4.78
Presentation as a whole	4.67

Recipient Rights Conference

In an effort to facilitate its mission of establishing consistency within the rights system, the Office of Recipient Rights sponsors an annual conference, the purpose of which is to provide a venue for rights staff to receive annual education as mandated in the Mental Health Code, and to bring together rights staff, consumers, and staff from ancillary organizations to focus on rights issues and create solutions. The Training Unit has the overall responsibility for the coordination and implementation of this event. The Rights Conference is self-funded, using no Department financial resources to support its activities. Through its scholarship program, and in partnership with local Community Mental Health Service Programs, the conference yearly provides consumers across the State the opportunity to attend and to provide their input.

2003 Recipient Rights Conference: The University of Rights

The tenth annual rights conference, with the theme “The University of Rights,” was held October 21st - 24th, 2003 at the Valley Plaza Resort and Conference Center, in Midland Michigan. Approximately 375 individuals attended, including 48 mental health consumers. The specific responses are indicated in the table below. . Evaluations were based on a scale of 1 to 5, with 5 being “excellent,” and 1 being “poor.”

Overall Conference Experience	4.16
Keynote Speaker: William McPhee	4.49
Quality of Educational Sessions	4.17
Overall Knowledge Gained	4.19
Luncheon Speaker: Janet Olszewski	4.64
Closing Keynote Speaker: Marion Madonia	4.25

Rights Training Provided by ORR Staff to DCH Central Office Staff

During this fiscal year 33 Central Office employees received recipient rights training.

Rights Training Provided by ORR Staff at DCH Facilities

The Mental Health Code requires that all DCH staff receive training related to recipient rights protection within 30 days of hire. At each of the state-operated hospitals and centers rights staff assigned to the facility are carrying out this mandate, using curricula developed by the Training Unit. This training is a priority for rights staff, and as such, has been established as an objective in the management plans of each field office. The following table summarizes the number of staff trained at each facility.

Hospital/Center	Attendees
Caro Center	80
Center for Forensic Psychiatry	12
Hawthorn Center	75
Kalamazoo Psychiatric Hospital	162
Mt. Pleasant Center	129
Walter Reuther Psychiatric Hospital	70
Total	528

Rights Training Provided by ORR Staff to Consumers

The Office of Recipient Rights also focuses its educational efforts toward consumers. ORR staff at DCH operated hospitals and centers carried out a variety of educational programs for this population. The chart below provides a summary of the number of people at each facility who benefited by this effort.

Hospital/Center	Attendees
Caro Center	534
Center for Forensic Psychiatry	262
Hawthorn Center	392
Kalamazoo Psychiatric Hospital	135
Mt. Pleasant Center	152
Walter Reuther Psychiatric Hospital	2073
Total	3,548

PART III - COMMUNITY RIGHTS UNIT

Background

Chapter 7 of the Mental Health Code requires the establishment of an office of recipient rights in each Community Mental Health Services Program (CMHSP).

The Mental Health Code requires that the Department of Community Health promulgate rules to establish standards for certification and the certification review process for CMHSPs. Administrative Rule 330.2801 requires the department to assess the CMHSPs compliance with the following standards by determining the degree to which all of the following provisions apply: (a) The CMHSP has established processes, policies and procedures necessary to achieve the required result, (b) The established processes, policies and procedures are properly implemented and (c) The expected result of the processes, policies and procedures is being achieved. The Mental Health Code also requires that the DCH, through this Office, review the CMHSP rights systems in order to “ensure a uniformly high standard of recipient rights protection throughout the state.”

Based on the Code and Rule requirements, the DCH Office of Recipient Rights introduced Attachment C in the 2004 assessments. The desired result of an investigation into an allegation of a recipient rights violation is a sound determination by the rights officer that a preponderance of credible evidence was or was not established regarding an allegation of a rights violation. Attachment C evaluates the integrity of the CMHSP rights office’s investigation, analysis of evidence, determination as to a preponderance of the evidence and thoroughness of the recommendations.

The certification standards must include those for the protection and promotion of recipient rights. Although standards as to matters of CMHSP governance, resource management, quality improvement, service delivery and safety management may be waived by the department in whole or in part as the result of the CMHSP's accreditation by a nationally recognized accrediting body, this is not the case relative to standards established by the department in regard to the protection and promotion of recipient rights.

Assessment Process

Each CMHSP recipient rights system is assessed annually by the two ORR Community Rights Specialists through careful review of and follow-up on semi-annual and annual reports prepared by each CMHSP rights office and submitted by the executive director. Annually, the Rights Specialists also conduct an on-site assessment of approximately one-third of the CMHSPs. This three day on-site review includes an entrance conference; interviews with the executive director, rights office staff, consumers, CMHSP staff and staff of contract providers, Recipient Rights Advisory and Appeals Committee members; compliance review of complaint case files, logs, Code mandated reports and notices, appeals cases; review of contract language to ascertain clarity as to how rights will be protected during the contract period and training requirements; compliance review of all twenty-two rights related policies required by the Code; site visits to a representational sample of CMHSP directly operated and contracted service and an exit conference. Site visits are also made to the LPH/U under contract with the CMHSP. Areas of non-compliance with Code and Rules evidenced by the rights system at the LPH/U are cited in the CMHSP assessment report. Additionally, if a serious deficiency were found, this would also be reported to the Psychiatric Licensing Consultant with the Department of Community Health.

2004 Assessment Results

Fifteen (15) CMHSP rights protection systems were evaluated through on-site assessments conducted by the Office of Recipient Rights Community Rights Unit Specialists from March 2004 through December 2004. Beginning in March 2001, a rights system was scored as being in less than substantial compliance, even if the overall score was in the range of substantial compliance, if the specialists determined that a deficiency which was cited in the previous assessment had not been corrected at the time of the current assessment. CMHSPs that were scored in this manner have an * in the table below.

Full Compliance (FC) = 292 points
 Substantial Compliance (SC) = 277 to 291 points
 Less Than Substantial Compliance (LSC) = Less than 277 points

DATE	LEAD RIGHTS SPECIALIST	CMHSP	RESULT	SCORE
March 23-25	Postema	Muskegon	SC	277
April 20-22	Postema	Saginaw	LSC *1 repeat	282
May 12-14	Mishal	Lapeer	SC	288
May 25-27	Mishal	Pines	LSC *4 repeats	281
June 7-11	Postema (DB)	Northern Lakes	SC	290
June 22-24	Mishal	St. Joseph	LSC *2 repeats	280
July 12-16	Postema (DB)	Northern	SC	281
August 3-5	Postema (DB)	Kent	SC	280
August 16-20	Mishal (DB)	Hiawatha	SC	287
Aug. 31-Sept. 2	Postema (DB)	Genesee	FC	292
September 14-16	Postema	AuSable	SC	282
October 19-21	Postema	Shiawassee	SC	290
November 2-4	Mishal	VanBuren	LSC *1 repeat	282
November 16-18	Postema	CEI	LSC *1 repeat	278
December 7-9	Mishal	Barry	SC	289

Information and Referral

Background

The Rights Information Analyst is responsible for the provision of all information and referral services including systematic data collection, entry and analysis relative to these services as well as the semi-annual and annual reports received from the CMHSPs and licensed private psychiatric hospitals. Over the course of the past fiscal year, an increased number of rights offices in CMHs and LPH/Us have submitted their semi-annual and annual report data electronically, enabling the analyst to more readily assess the accuracy of submissions and assist the CMHSPs and licensed psychiatric hospitals in submitting thorough and accurate data to their respective Boards. The number of categories of code protected rights was reviewed in FY 2003/2004, with a total of 22 categories being removed from the semi-annual and annual report, beginning October 1, 2004. The goal of the category reduction is to increase the consistency of categorization throughout the state.

In addition, the Analyst acts as a support to the Training Unit, Community Rights Specialists and Orr Director of Community and field Operations. The Information Analyst maintains the Rights Advisors/Officers Directory, available via e-mail and the DCH website. The Information Analyst also maintains the ORR mass e-mail directory, which includes all CMHSP rights offices, and all LPH/U rights offices, although some rights offices continue to utilize personal e-mail accounts, due to a lack of agency technology support.

Complaints received at the Department Office in Lansing are referred to the rights office having jurisdiction over the matter. Data was collected regarding the number of letters received by the office during FY 2003/2004. There were 742 written complaints sent to the department which the department subsequently referred to the rights office having jurisdiction over the complaint.

RECOMMENDATIONS

1. The Department of Community Health must extend itself beyond the minimum requirement of Sec. 754 of the Mental Health Code that it “endeavor to ensure” that the Office of Recipient Rights “has sufficient staff and other resources necessary to perform its functions.” *Although applicable to all three ORR units, this is especially critical in the Field Unit, which provides direct rights protection services to patients and residents in state hospitals and centers. Rights advisory staff there must be sufficient in number to assure that they can not only respond reactively to allegations of rights violations through investigation and intervention, but can engage in proactive activities such as consumer training and education, staff training and education, consultation and monitoring for the purpose of promoting recipient rights and reducing the number of violations.*
2. The Department of Community Health must assure information technology and support services are provided to the Office to enhance and maintain the Beneficiary and Provider Contact Tracking (BPCT) data system. *This is necessary for the Office to comply with the reporting requirements of the Mental Health Code. Additionally, it is the primary tool used for ORR management, supervisory and quality review purposes.*
3. The Department of Community Health must establish clear statutory and contractual sanctions to be taken against a CMHSP for its failure to achieve substantial compliance with standards established by the department for the protection and promotion of recipient rights.
4. The Department of Community Health Bureau of Community Mental Health Services must facilitate the CMHSPs’ electronic submission of Section I, Parts A,B, and C of the Recipient Rights Data Report mandated by the Mental Health Code and Attachment C-6.5.1.1 (Annual and Semi-Annual Reports) of the Specialty Services contract utilizing the DCH excel format
5. The Department of Community Health Human Resources Unit must coordinate with ORR to develop a process that assures all DCH employees receive training in recipient rights and the rights protection process within 30 days of hire.
6. In order to assure a uniformly high standard of rights protection throughout Michigan, contractual agreements between the Department of Community Health and CMHSPs should include language that requires all CMHSP executive directors to attend training offered by DCHORR that is specifically designed to educate them on their responsibilities relative to the rights protection system and how to comply with these in a manner that protects and promotes the rights of consumers.
7. The Mental Health Code should be amended to include the requirement that this Office as well as rights offices in CMHSPs and licensed private psychiatric hospitals/units provide rights training to consumers of mental health services and their legal representatives, e.g. concepts and elements of person-centered planning, rights of recipients under Chapter 7 of the Mental Health Code, the complaint resolution process under Chapter 7A and consumer/beneficiary rights to access the Medicaid and Non-Medicaid grievance, appeal and fair hearing processes.
8. The Department of Community Health must acknowledge and support the statutory authority of this Office to establish compliance standards, practice standards, outcome expectations and uniform performance measures necessary to assure a uniformly high standard of rights protection in this state. *The Office requires such authority in order to implement and enforce these standards independent of approval by any entity that may exert undue pressure that could interfere with the impartial, even-handed and thorough performance of its duties under the Mental Health Code.*